

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

KURT A. BENSHOOF,

Plaintiff,

v.

CITY OF SHORELINE, KING COUNTY,  
TOWN & COUNTRY MARKETS,  
EVAN B. FAGAN, WILLIAM C AKERS,  
and MR. THOMPSON,

Defendants.

Case No. 2:24-cv-00343-TL

**DEFENDANTS TOWN & COUNTRY  
MARKETS, INC. AND EVAN B.  
FAGAN’S RESPONSE TO PLAINTIFF  
KURT A. BENSHOOF’S EMERGENCY  
(2ND) MOTION FOR STAY**

Note for Motion Calendar:  
October 23, 2024

**I. INTRODUCTION**

Plaintiff Kurt Benshoof filed a previous motion for stay on September 9, 2024. Defendants Town & Country Markets, Inc. and Evan B. Fagan (“Defendants”) filed a response to that motion on September 20, 2024. Now, before Mr. Benshoof’s first motion has been decided, a third party has filed a second motion for stay on Mr. Benshoof’s behalf. The third party does not appear to be a licensed attorney and thus appears to be engaging in the unauthorized practice of law. The Court should strike the second motion for stay on that basis alone. Regardless, the second motion is objectionable on the same grounds as the first: Mr. Benshoof has not demonstrated a clear case of hardship or inequity given that he has access to a law library and is still able to draft and file pleadings. In addition, since the two motions were filed, Mr. Benshoof has re-registered to electronically file and receive pleadings. Given

his demonstrated ability to continue litigating this case, the Court should deny both motions for stay.

## II. STATEMENT OF FACTS

Defendants incorporate the Statement of Facts set forth in their response to Mr. Benshoof's first motion for stay as if fully set forth herein. (*See* Dkt. No. 65 at 2-3.) Since that time, an individual named Urve Maggitti filed a second motion for stay on Mr. Benshoof's behalf, citing substantially the same grounds as Mr. Benshoof did in his first motion. (*See* Dkt. No. 67.) Urve Maggitti purportedly lives in Pennsylvania and does not appear to be a licensed attorney. (*See id.*) In addition, Mr. Benshoof has re-registered to electronically file documents and receive electronic service in this case. (*See* Dkt. No. 68.)

## III. STATEMENT OF ISSUES

Whether the Court should decline to stay the proceedings at the motion to dismiss stage because Mr. Benshoof is still able to draft, file, and respond to pleadings.

## IV. EVIDENCE RELIED ON

This response is based on the pleadings and files herein.

## V. ARGUMENT AND AUTHORITY

As an initial matter, the Court should strike the second motion for stay because it appears to have been filed by a third party engaged in the unauthorized practice of law. Urve Maggitti attested to drafting the motion at Mr. Benshoof's request and does not appear to be a licensed attorney. (*See* Dkt. No. 67.) The unauthorized practice of law is a crime in Washington. *See* RCW 2.48.180(2)-(3). "[A] person preparing legal forms is practicing law." *State v. Hunt*, 75 Wn. App. 795, 802, 880 P.2d 96 (1994). Courts generally do not accept pleadings filed by individuals engaged in the unauthorized practice of law. *See Seco v. Homestead Apartments*, No. 2:24-cv-01118-LK, 2024 WL 3566592, at \*1 (W.D. Wash. July 29, 2024) (citing cases where the Court struck pleadings filed by non-lawyer representatives). The Court should hold similarly here and strike the second motion for stay.

Even if the Court considers the second motion for stay, the motion is objectionable on the same grounds raised in Defendants' response to the first motion for stay. (*See* Dkt. No. 65 at 3-5.) Defendants incorporate their prior arguments in response to Mr. Benshoof's first motion as if fully set forth herein. (*See id.*) Moreover, contrary to Mr. Benshoof's argument that he does not have access to the documents filed in this case or his CM/ECF login credentials, Mr. Benshoof recently re-registered for electronic service and is able to log in to the CM/ECF website to file pleadings and review all previously filed case documents. (*See* Dkt. No. 68.) Mr. Benshoof's ability to electronically file, receive, and review case documents further supports that he has failed to demonstrate a clear case of hardship or inequity justifying an indefinite stay and delay in deciding Defendants' motion to dismiss.

## VI. CONCLUSION

Based on the foregoing and the arguments set forth in Defendants' response to Mr. Benshoof's first motion for stay (Dkt. No. 65), Defendants respectfully request that the Court deny both motions for stay, allowing for a decision on their pending motion to dismiss.

DATED this 16th day of October, 2024.

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CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the state of Washington that on this date I served the foregoing document on the following parties of record, as indicated:

**Via Email & Regular Mail**

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DATED October 16, 2024, at Seattle, Washington.

s/ Leslie Boston

Leslie Boston